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Patent /Atty. Docket No. 34321.3
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Wayne J. Falcon

Serial No.: 10/654,825

Filed: September 4, 2003

For: WEIGHTED SHANK FISH HOOKS

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Confirmation Number: 5170

Art Unit: 3644

Examiner: ALIMENTI, Susan C.

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.	
Facsimile No.:	<u>1-571-273-8300</u>
Date:	<u>9/30/2005</u>
<u>Ellen Lovelace</u> Signature of person sending facsimile	

Dear Sirs:

DECLARATION UNDER RULE 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. My name is Wayne J. Falcon. I am the owner and President of Falcon Lures of Lafayette, Louisiana.
2. I am the named inventor of the above identified U.S. Patent Application No. 10/654,825 to Wayne J. Falcon (the "Falcon Application").
3. I have read and understand the Falcon Application, U.S. Patent No. 5,691,449 to Hoben ("Hoben"), U.S. Patent No. 2,185,566 to Hill ("Hill"), U.S. Patent No. 5,335,443 to Grigsby ("Grigsby") and U.S. Patent No. 6,519,895 to Bennett ("Bennett").

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4. I believe that claims 33, 42, 45-47, 50-52 and 69-71 of the Falcon Application are directed to an important and patentable improvement over the subject matter described in Hoben, Hill, Grigsby and Bennett.

5. In support of the patentability of claims 33, 42, 45-47, 50-52 and 69-71 of the Falcon Application submitted herewith are copies of the following publications:

a. "Hook, Line, and Pixel", by Paul Crawford in the March/April 2005 of Inside Line, pages 32-33;

b. "A Better Mousetrap?", by Steve Lucarelli in the March/April 2003 issue of Inside Line, page 40;

c. Product Review on "Bassfan.com" regarding Bait-Jerker, Wacky Hooks dated March 4, 2004;

d. "Falcon Weighted Hooks," review on "TheIverson.com" dated March 2004; and

e. Product Review on "probass.com" regarding the Bait-Jerker Hook by Jeff Bruhl.

6. The publications submitted herewith provide various reviews and descriptions of the claimed lure which is referred to in the publications as the "Bait Jerker Hook". The publications discuss various aspects of the unexpected results achieved by the claimed lure which stem from (a) the location of the weight on the hook, (b) the tapered profile of the weight, and (c) the concentric disposition of the weight about the hook shank which is also described as the weight being evenly distributed across the shank of the hook.

7. Independent claim 33 of the Falcon Application is commensurate with the description of the Bait-Jerker Hook in the attached publications in that independent claim 33 is directed to a lure that comprises:

a lure body;

a hook at least partially embedded in said lure body, said hook comprising:

a hook shank;

a bend portion having a first end and a second end provided in one end of said hook shank;

a hook tip terminating said first end of said bend portion;

a hook eye provided on an opposite end of said hook shank from said

bend;

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a shank offset bend provided on said hook shank between said second end of said bend portion and said hook eye;

a shank offset extending from said shank offset bend toward said hook eye;

a shank neck bend extending from said shank offset toward said hook eye; and

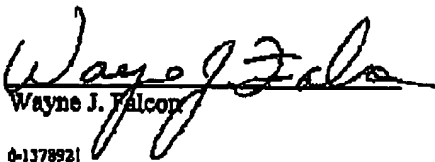
a shank neck terminated by said hook eye;

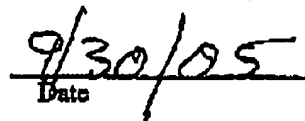
a substantially straight shank portion extending between said shank offset bend and said second end of said bend portion; and

a weight concentrically disposed about said substantially straight shank portion, said weight having a middle portion, a first end and a second end, wherein said weight symmetrically tapers from said middle portion to said first and second ends thereof, respectively;

wherein said hook eye, said shank neck, and said shank neck bend are at least partially embedded in said lure body.

I acknowledge that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and may jeopardize the validity of this application or any patent issuing from it. I declare under penalty of perjury under the laws of the United States that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.


Wayne J. Falcon
0-1378921


Date